

House Study Bill 264

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON PAULSEN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to surrender of motor vehicle registrations upon
2 conviction for a second or subsequent offense of operating
3 while intoxicated, issuance of special series motor vehicle
4 registration plates, providing a fee and an appropriation, and
5 providing penalties.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 2370HC 81
8 dea/sh/8

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1 1 Section 1. Section 125.59, unnumbered paragraph 1, Code
1 2 2005, is amended to read as follows:
1 3 The treasurer of state shall transfer funds credited from
1 4 the issuance of special series plates as provided in section
1 5 321J.4A, and on each July 1 for that fiscal year, shall
1 6 transfer the estimated amounts to be received from section
1 7 123.36, subsection 8, and section 123.143, subsection 1, to
1 8 the department.
1 9 Sec. 2. NEW SECTION. 321J.4A SURRENDER OF VEHICLE
1 10 REGISTRATION == SPECIAL SERIES PLATES.
1 11 1. Upon a conviction for an offense that is a second or
1 12 subsequent offense under section 321J.2, the court shall issue
1 13 an order requiring the surrender of the registration receipt
1 14 and registration plates for the following vehicles, as
1 15 identified by the department:
1 16 a. Any vehicle registered to the defendant, individually
1 17 or jointly.
1 18 b. Any vehicle for which the defendant is listed on the
1 19 certificate of title as the owner or co-owner.
1 20 c. Any leased vehicle required to be registered under
1 21 section 321F.8, if the defendant is listed as the lessee. A
1 22 rental vehicle which is one of a fleet of vehicles rented for
1 23 periods of four months or less is not a leased vehicle for
1 24 purposes of this section.
1 25 2. The court shall forward a copy of the surrender of
1 26 registration order to the applicable county treasurer. The
1 27 court shall forward the surrendered registration receipt to
1 28 the county treasurer within seven days after surrender. The
1 29 court may destroy the surrendered registration plates and
1 30 notify the county treasurer of the destruction.
1 31 3. If a vehicle has been impounded pursuant to section
1 32 321J.4B, the court shall order the registration receipt and
1 33 plates to be forwarded to the court by a date specified by the
1 34 court. If a vehicle's registration receipt and plates have
1 35 been surrendered to the department pursuant to section
2 1 321A.17, the defendant shall notify the court.
2 2 4. a. A defendant or owner whose motor vehicle
2 3 registration receipt and plates have been surrendered pursuant
2 4 to this section may apply to the director for new registration
2 5 plates, which shall bear a special series of numbers or
2 6 letters so as to be readily identified by peace officers. The
2 7 director shall authorize issuance of special series plates if
2 8 any of the following apply:
2 9 (1) A member of the defendant's household or a co-owner of
2 10 the vehicle has a valid driver's license.
2 11 (2) The defendant has been issued a temporary restricted
2 12 license under section 321J.20.
2 13 b. The special series registration plates shall be issued
2 14 upon payment of a special fee of fifty dollars for each
2 15 vehicle for which special series plates are issued. The

2 16 special fee does not modify or replace the annual registration
2 17 fee required for the vehicle under chapter 321. The special
2 18 fees collected from the issuance of special series plates
2 19 shall be credited to the road use tax fund. Notwithstanding
2 20 section 423.43, and prior to the crediting of the revenues to
2 21 the road use tax fund under section 423.43, subsection 1,
2 22 paragraph "b", the treasurer of state shall credit monthly the
2 23 amount of the special fees collected in the previous month to
2 24 the Iowa department of public health to be used in each county
2 25 for substance abuse education programs funded under section
2 26 125.59.

2 27 5. Application for and acceptance of special series
2 28 registration plates constitutes implied consent for a peace
2 29 officer to stop the vehicle bearing the special series plates
2 30 at any time. A peace officer who observes the operation of a
2 31 motor vehicle bearing special series registration plates
2 32 issued under this section may stop the vehicle for the purpose
2 33 of determining whether the driver is operating the vehicle
2 34 lawfully under a valid driver's license.

2 35 6. A registered owner of a motor vehicle shall not sell
3 1 the motor vehicle during the time its registration plates and
3 2 registration receipt have been ordered surrendered or during
3 3 the time its registration plates bear a special series number,
3 4 unless the registered owner applies to the department for
3 5 consent to transfer title to the motor vehicle. If the
3 6 department is satisfied that the proposed sale is in good
3 7 faith and for valid consideration, that the registered owner
3 8 will be deprived of custody and control of the motor vehicle,
3 9 and that the sale is not for the purpose of circumventing the
3 10 provisions of this section, the department may certify its
3 11 consent to the county treasurer. The county treasurer shall
3 12 then transfer the title to the new owner upon proper
3 13 application and issue new registration plates. After the
3 14 registration plates and registration receipt have been ordered
3 15 surrendered to the court under this section, if the title to
3 16 the motor vehicle is transferred by the cancellation of a
3 17 conditional sales contract, a sale upon execution, or by
3 18 decree or order of a court of competent jurisdiction, the
3 19 department shall order the title surrendered to the new
3 20 registered owner. The county treasurer shall then transfer
3 21 the title and issue new registration plates to the new
3 22 registered owner. If a registered owner who is subject to a
3 23 surrender order applies for a new vehicle registration, the
3 24 department shall issue special series plates upon payment of a
3 25 fee, as required under this section, or permit transfer of
3 26 special series registration plates to the new vehicle at no
3 27 charge.

3 28 7. A surrender order shall remain in effect until the
3 29 department is authorized to delete all convictions under
3 30 section 321J.2 from the defendant's operating record, as
3 31 provided in section 321.12. The department shall notify the
3 32 registered owner of any vehicle registered with special series
3 33 plates when the surrender order is about to expire. After the
3 34 surrender order has expired, the department shall exchange the
3 35 special series plates for regular registration plates at no

4 1 charge upon request of the vehicle's registered owner.
4 2 8. This section is not intended to change or modify the
4 3 taxation of motor vehicles or the time within which a motor
4 4 vehicle tax must be paid.

4 5 9. a. A person who fails to surrender any registration
4 6 plates or a registration receipt to the court upon demand
4 7 under this section or who fails to comply with this section is
4 8 guilty of a simple misdemeanor and contempt of court.

4 9 b. A person who operates a motor vehicle on a street or
4 10 highway at a time when a court has ordered the surrender of
4 11 the vehicle's registration plates and registration receipt is
4 12 guilty of a simple misdemeanor as a separate and distinct
4 13 offense from any other penalty imposed in connection with the
4 14 offense of driving while under a license suspension or
4 15 revocation.

4 16 10. The director may adopt such rules as may be necessary
4 17 for the implementation and administration of this section.

4 18 EXPLANATION

4 19 This bill, in new Code section 321J.4A, provides that when
4 20 a person is convicted of a second or subsequent offense of
4 21 operating a motor vehicle while intoxicated (OWI), the court
4 22 shall order the surrender of the registration receipt and
4 23 plates of all vehicles registered to the defendant
4 24 individually or jointly, owned by the defendant individually
4 25 or as a co-owner, or leased by the defendant. The court shall
4 26 send a copy of the order to the county treasurer, shall

4 27 forward surrendered registration receipts to the treasurer
4 28 within seven days, and may destroy surrendered registration
4 29 plates and notify the county treasurer of the destruction. If
4 30 a vehicle subject to the surrender order has been impounded,
4 31 the court shall order that the registration receipt and plates
4 32 be forwarded to the court by a specified date. A defendant
4 33 must notify the court if a vehicle's registration has been
4 34 revoked due to a driver's license revocation under provisions
4 35 of Code chapter 321A, the motor vehicle financial
5 1 responsibility law. The surrender order remains in effect for
5 2 the length of time the department is required to maintain a
5 3 record of the person's convictions for OWI offenses, which is
5 4 currently 12 years.

5 5 A defendant or an owner whose vehicle is subject to a
5 6 surrender order may apply to the department for registration
5 7 plates that bear a special series of numbers or letters that
5 8 are readily identifiable by peace officers. The department
5 9 shall issue the special series plates if the defendant has
5 10 been issued a temporary restricted driver's license or if a
5 11 member of the defendant's household or a co-owner of the
5 12 vehicle has a valid driver's license. The fee for special
5 13 series plates is \$50. The fees are allocated to the Iowa
5 14 department of public health to be used to supplement funding
5 15 for substance abuse education programs in each county.
5 16 Application and acceptance of special series plates
5 17 constitutes implied consent to being stopped at any time by a
5 18 peace officer for the purpose of determining whether the
5 19 driver is operating under a valid driver's license.

5 20 The bill requires that an owner obtain the consent of the
5 21 state department of transportation before selling a vehicle
5 22 that is subject to a surrender order. In addition, if such an
5 23 owner acquires a new vehicle, the vehicle must be registered
5 24 with special series plates. The state department of
5 25 transportation is required to notify the owner of a vehicle
5 26 registered with special series plates when the surrender order
5 27 is about to expire, and the owner may exchange the special
5 28 plates for regular registration plates at no charge.

5 29 The bill specifies that the taxation of motor vehicles is
5 30 not affected by the bill's provisions.

5 31 A person who fails to surrender a registration receipt or
5 32 plates to the court or fails to comply with any of the
5 33 requirements of new Code section 321J.4A commits both a simple
5 34 misdemeanor and contempt of court. A person who operates a
5 35 motor vehicle when a court has ordered the surrender of the
6 1 vehicle's registration commits a simple misdemeanor punishable
6 2 as a separate and distinct offense from any license suspension
6 3 or revocation offense.

6 4 LSB 2370HC 81
6 5 dea:nh/sh/8